

APPEAL NO. 010271

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 23, 2001. With regard to the issue before her, the hearing officer determined that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the second quarter from November 2, 2000, through January 31, 2001. The appellant (carrier) appeals that decision. The claimant responds, urging affirmance.

DECISION

Affirmed.

Sections 408.142 and 408.143 set out the statutory requirements for entitlement to SIBs. The parties stipulated that the claimant sustained a compensable injury on _____; that the claimant's impairment rating was 15% or greater; that impairment income benefits were not commuted; and that the qualifying period for the second quarter began on July 21, 2000, and ended on October 19, 2000. The claimant contends that she made a good faith effort to obtain employment commensurate with her ability pursuant to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(e) (Rule 130.102(e)). The claimant produced documentation for 18 job searches for the qualifying period. Rule 130.102(e), provides in pertinent part as follows:

[A]n injured employee who has not returned to work and is able to return to work in any capacity shall look for employment commensurate with his or her ability to work every week of the qualifying period and document his or her job search efforts.

The carrier argues that the claimant did not make a good faith job search. Whether the claimant made the required good faith job search presented a question of fact for the hearing officer to decide. Texas Workers' Compensation Commission Appeal No. 950307, decided April 12, 1995. The hearing officer was the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer considered the evidence and concluded that the claimant's job search activities were commensurate with her ability to work. We do not consider the obvious typographical error of a reference to "20001 [sic]" to be a basis on which to reverse the hearing officer's decision.

We will reverse a factual determination of a hearing officer only if that determination is so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard of review to the record of this case, the evidence is sufficient to support this determination.

Accordingly, the hearing officer's decision and order are affirmed.

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Elaine M. Chaney
Appeals Judge